

On March 28, 2012, the Nebraska Supreme Court adopted the following amendments to Neb. Ct. R. §§ 3-401.4, 3-401.8, and 3-401.10:

§ 3-401.4. CLE requirement.

....

(C) An attorney completing more than ten (10) CLE credit hours during the annual reporting period may receive credit in the next succeeding annual reporting period for the CLE credit hours earned in excess of ten (10) hours if the proposed carryover consists of regular/traditional credits earned in a setting in which the presenter is present with the attendees, and provided that the excess CLE credit hours carried over into the next succeeding annual reporting period may not exceed five (5) hours. CLE credit hours in the area of professional responsibility are an annual requirement, and those credit hours shall not roll over.

....

§ 3-401.8. Limitations on credits based on class type and credit for activities other than attending accredited or approved courses.

Subject to the annual credit number limitations set forth below, which apply to all CLE activities, an attorney may receive CLE credit for activities other than attendance at courses offered by accredited CLE sponsors or individual courses approved under § 3-401.7. Credits earned in excess of the annual limit for the following class types will not carry over into the following year:

(A) Up to five (5) hours in the annual reporting period may be obtained through completion of computer-based legal education accredited by the Director.

(B) Up to five (5) hours in the annual reporting period may be obtained for approved “in-house” CLE programs as defined by § 3-401.2(D). “In-house” CLE must be approved by the Director and application for credit shall be in the manner prescribed by the Nebraska Supreme Court. In order for an in-house CLE program to be approved, the Director must approve it on application of the sponsor no fewer than thirty (30) days before the commencement of the program. The application must include a description of the dates, times, places, faculty members, and the subject matter of the program and an explanation of how the program meets the educational standards of § 3-401.7. In addition, the “in-house” program sponsor must agree to the reporting requirements of § 3-401.9, including payment of the sponsor’s fee of \$1 per approved credit hour for each attorney.

(C) Up to three (3) hours in the annual reporting period may be obtained for teaching pre-approved CLE programs. An attorney seeking credit for teaching approved CLE programs must make written application to the Director with an explanation of time spent in preparation of teaching the CLE materials. This credit shall be in addition to credit for attending the approved CLE program. No credit shall be given for teaching directed primarily to candidates for a law degree.

(D) Attendance at J.D.- or graduate-level law courses offered by American Bar Association (ABA)-accredited law schools, subject to the following conditions:

....

(E) ~~Without limitation as to the number of hours,~~ Subject to the limitations listed above, for attendance at educational activities that are not approved in advance, provided that the attorney seeking credit submits to the Director a written report which shall include a brief resume of the activity; its dates, subjects, and

instructors, and their qualifications; a copy of the program outline or brochure; and an explanation of how the activity meets the educational standards of § 3-401.7, and that the Director approves the credit.

....

§ 3-401.10. Report by attorneys to Director.

(A) On or before October 1 of each annual reporting period, the Director shall provide e-mail notification to all active attorneys to review their on-line accounts and make sure all education is reported in order to facilitate the timely filing of annual reports beginning December 1.

(B) On or before ~~December 31~~ January 20 following ~~of~~ the end of the annual reporting period, each attorney admitted to the active practice of law in this state shall make a report to the Director, ~~in the manner prescribed by the Nebraska Supreme Court,~~ through the use of the on-line MCLE system, concerning evidencing completion of accredited or approved CLE, including professional responsibility education, during the preceding reporting period.

(C) Once an annual report is submitted through the on-line system, the CLE record for the attorney becomes final and cannot be modified. In the event an attorney chooses to rescind an annual report and refile for the year, the request to do so must be received by the MCLE Commission no later than January 31 following the end of the reporting period. A request to rescind and refile a report can only be processed upon the payment of a \$25 fee to the MCLE Commission.

~~(C)~~ (D) All attorneys who fail by ~~December 31~~ January 20 following ~~of~~ the end of the annual reporting period to file the report shall pay a penalty of \$25 by a credit card transaction through the on-line system.

....